

STATE OF WISCONSIN

Senate Journal

Eighty-Sixth Regular Session

THURSDAY, October 27, 1983

10:00 A.M.

The senate met.

The senate was called to order by Fred A Risser, president of the senate.

The roll was called and the following senators answered to their names:

Present -- Senators Adelman, Chilsen, Cullen, Czarneski, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for the prayer which was offered by Reverend Thomas Berlage, Assistant Pastor at Good Shepherd Lutheran Church of Madison.

The senate remained standing and Senator Hanaway led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 478

Relating to health care coverage of diabetic self-management education programs.

By Senators Chilsen, Harsdorf, Cullen, Kincaid, Engeleiter, Hanaway, Feingold, George and Czarneski; cosponsored by Representatives Stower, Donoghue, Luckhardt, Goetsch and Radtke.

To committee on Health, Education, Corrections and Human Services.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends the following nominations to committee for appointment by the senate:

To the committee on Energy and Environmental Resources, Senator Helbach.

To the committee on Tourism and Revenue, Senator Helbach.

TIMOTHY F. CULLEN
Chair

The question was: Shall the appointments be confirmed?

Confirmed.

The committee on Senate Organization reports and recommends:

Assembly Joint Resolution 72

Congratulating Lech Walesa on winning the 1983 Nobel Peace Prize.

Concurrence:

Ayes, 5 -- Senators Cullen, Risser, Offner, Harsdorf and Engeleiter;

Noes, 0 -- None.

TIMOTHY F. CULLEN
Chair

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 83-143

AN ORDER to amend Ins 2.08 (4) (b) (intro.), relating to prohibitions, regulations and disclosure requirements of special policies and provisions for life insurance.

Submitted by Office of the Commissioner of Insurance.

Report received from agency, October 26, 1983.

Referred to committee on Labor, Business, Veterans Affairs and Insurance, October 27, 1983.

Clearinghouse Rule 83-145

AN ORDER to repeal SEC 3.07 (2), 3.11 (2), 3.28 (1) and 9.01 (1) (a) 3; to renumber SEC 3.07 (3), 3.28 (2), (3) and (4) and 9.01 (1) (a) 4 and 5; to renumber and amend SEC 3.11 (1) and 4.01 (2); to amend SEC 1.02 (7), 2.01 (1) (a) 3, 2.02 (1) (a), (5) (d) 1 and (10) (b), 3.02 (intro.) and (1) (intro.), (a) and (b), 3.06 (1) and (2), 3.07 (1), 3.12 (1) and (2) (b) 1, 4.01 (1) (a), 4.02 (1), 4.03 (1) (b) and (2), 4.035, 4.04 (1) (a), 4.06 (2) (e), 4.07 (1), 5.01 (1) and (2), 6.05 (2), 7.01 (3) (e), 7.02 (1) (d) and 7.03 (2); to repeal and recreate SEC 3.04, 3.05, 3.16, 4.01 (3), (4) and (5) and 5.01 (3) and (4); and to create SEC 2.02 (5) (e), 3.19 and 4.01 (2) (b) and (7), relating to the operation of ch. 551, Stats., the Wisconsin uniform securities law, with respect to licensing definitions, registration exemptions, registration requirements and procedures, securities broker-dealer and investment adviser licensing requirements and procedures and examination fees.

Submitted by Office of the Commissioner of Securities.

Report received from agency, October 26, 1983.

Referred to committee on Aging, Financial Institutions and State Institutions, October 27, 1983.

CALENDAR OF OCTOBER 27

Assembly Bill 260

Relating to official identification cards, changing the legal drinking age, establishing a curfew and creating and changing penalties.

Read.

The question was: Shall the senate adhere to its position on senate amendment 2?

By request of Senator Offner, with unanimous consent, **Assembly Bill 260** was placed at the foot of the calendar.

Assembly Bill 298

Relating to ownership of land by nonresident aliens and providing penalties.

Read.

The question was: Shall the senate adhere to its position on senate amendment 1?

Senator Moen moved that the senate recede from its position on senate amendment 1.

The question was: Shall the senate recede from its position on senate amendment 1?

The motion did not prevail.

The question was: Shall the senate adhere to its position on senate amendment 1?

The motion prevailed.

By request of Senator Moen, with unanimous consent, a Committee of Conference of senate amendment 1 to **Assembly Bill 298** was requested.

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Assembly Joint Resolution 73

Assembly Joint Resolution 74

Assembly Joint Resolution 74

Relating to the life and public service of John R. Petrus.

By Representative Tregoning and All Members of the Assembly.

Read.

Considered as privileged and taken up.

Concurred in by unanimous rising vote.

MESSAGE FROM THE ASSEMBLY
CONSIDERED

Assembly Joint Resolution 73

Congratulating the 5 American winners of the 1983 Nobel Prizes in science.

By Representative Cowles and All Members of the Assembly.

Read first time and referred to committee on Senate Organization.

CALENDAR OF OCTOBER 27

Senate Resolution 14

Favoring the approval of the application of the Grand Trunk Western Railroad Co. to acquire the Milwaukee Road.

Read.

The question was: Adoption of senate substitute amendment 1?

Senator Offner asked unanimous consent that **Senate Resolution 14** be placed at the foot of the calendar.

Senator Kleczka objected.

By request of Senator Offner, with unanimous consent, **Senate Resolution 14** was referred to committee on Senate Organization.

By request of Senator Opitz, with unanimous consent, senate substitute amendment 1 was withdrawn and returned to the author.

Senate Joint Resolution 42

Relating to commemorating the 500th anniversary of the birth of Martin Luther.

Read.

The question was: Adoption of senate substitute amendment 1?

Adopted.

The question was: Shall the joint resolution be adopted?

Adopted.

Senate Bill 353

Relating to granting child custody and visitation in an action affecting the family.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senator Adelman.

By request of Senator Hanaway, with unanimous consent, he was made a co-author of **Senate Bill 353**.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 353

Read a third time and passed.

Senate Bill 391

Relating to revising laws relating to dogs.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

Adopted.

By request of Senator Otte, with unanimous consent, **Senate Bill 391** was placed at the foot of the calendar.

Senate Bill 429

Relating to regulating the licensing practices for motion pictures and imposing a penalty.

Read a second time.

The question was: Adoption of senate substitute amendment 1?

By request of Senator Offner, with unanimous consent **Senate Bill 429** was placed at the foot of the calendar.

By request of Senator Offner, with unanimous consent, all action on **Assembly Bill 298** was ordered immediately messaged.

Senate Bill 467

Relating to garnishment of the proceeds from the sale of agricultural products.

Read a second time.

The question was: Adoption of senate amendment 1? Adopted.

The question was: Adoption of senate amendment 2? Adopted.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 467

Read a third time and passed.

Assembly Joint Resolution 59

Commending John Brzek for 50 years of service to the state and to the ports of Milwaukee and Green Bay.

Read.

Concurred in.

Assembly Joint Resolution 72

Congratulating Lech Walesa on winning the 1983 Nobel Peace Prize.

Read.

Concurred in.

Assembly Bill 272

Relating to publication of notice to cut noxious weeds.

Read a second time.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 272

Read a third time and concurred in.

Assembly Bill 319

Relating to community services for children under the age of 3.

Read a second time.

Senator Davis moved non-concurrence of **Assembly Bill 319**.

The question was: Shall the bill be non-concurred in?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Chilsen, Cullen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Johnston, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Roshell, Theno and Van Sistine -- 23.

Noes -- Senators Adelman, Czarnecki, Feingold, George, Helbach, Kincaid, Otte, Risser, Strohl and Thompson -- 10.

Absent or not voting -- None.

So the bill was non-concurred in.

Assembly Bill 459

Relating to regulating and licensing grease processors.

Read a second time.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 459

Read a third time and concurred in.

Assembly Bill 655

Relating to compensation of health department employees.

Read a second time.

Ordered to a third reading.

By request of Senator Offner, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 655

Read a third time and concurred in.

By request of Senator Maurer, with unanimous consent, the senate recessed until 11:21 A.M.

10:52 A.M.

RECESS

11:21 A.M.

The senate reconvened.

Assembly Bill 703

Relating to grants for the replacement of contaminated wells.

Read a second time.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 703

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Noes -- Senator Norquist -- 1.

Absent or not voting -- None.

So the bill was concurred in.

Assembly Bill 260

Relating to official identification cards, changing the legal drinking age, establishing a curfew and creating and changing penalties.

Read.

The question was: Shall the senate adhere to its position on senate amendment 2?

Senator Cullen asked unanimous consent that the senate adhere to its position on senate amendment 2 and the chair appoint a Committee of Conference.

Senator Lorge objected.

Senator Cullen moved that the senate adhere to its position on senate amendment 2 and the chair appoint a Committee of Conference.

Senator Harsdorf moved that the senate recede from its position on senate amendment 2.

The question was: Shall the senate recede from its position on senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 11; noes, 22; absent or not voting, 0; as follows:

Ayes -- Senators Ellis, George, Harsdorf, Helbach, Lasee, Lorge, Lorman, McCallum, Opitz, Theno and Thompson -- 11.

Noes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Davis, Engeleiter, Feingold, Hanaway, Johnston, Kincaid, Kleczka, Kreul, Lee, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl and Van Sistine -- 22.

Absent or not voting -- None.

So the motion did not prevail.

By request of Senator Cullen, with unanimous consent, the senate adheres to its position on senate

amendment 2 to **Assembly Bill 260** and the chair appoint a Committee of Conference.

The chair appointed Senators Offner, Kleczka and Hanaway as conferees to the Committee of Conference on **Assembly Bill 260**.

Senator Lorge asked unanimous consent to amend the president's nomination by deleting Senator Kleczka and inserting Senator Chilsen.

Senator Maurer objected.

The question was: Shall the conferees be confirmed?
Confirmed.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

Senate Bill 391

Relating to revising laws relating to dogs.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Opitz and Otte.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 391

Read a third time and passed.

Senate Bill 429

Relating to regulating the licensing practices for motion pictures and imposing a penalty.

Read a second time.

Senate amendment 1 to senate substitute amendment 1 offered by Senators Offner, Norquist and Hanaway.

Senate amendment 2 to senate substitute amendment 1 offered by Senators Offner, Engeleiter, Norquist and Hanaway.

Senate amendment 3 to senate substitute amendment 1 offered by Senators Engeleiter, Hanaway, Davis and Offner.

By request of Senator Cullen, with unanimous consent, the senate recessed until 2:00 P.M.

11:58 A.M.

RECESS

2:00 P.M.

The senate reconvened.

QUORUM CALL

The president of the senate called the attention of the chair to the possible lack of a quorum.

The roll was called and the following senators answered to their names:

Senators Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Theno, Thompson and Van Sistine -- 31.

Absent -- Senators Adelman and Strohl -- 2.

Absent with leave -- None.

By request of the president of the senate, with unanimous consent, the Senate returned to the eighth order of business.

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly:

Agrees to a Committee of Conference on senate amendment 1 to **Assembly Bill 298** and appoints Representatives Vanderperren, Roberts and Tregoning as conferees on its part.

By request of the president of the senate, with unanimous consent, he appointed Senators Kincaid, Roshell and Harsdorf as conferees to the Committee of Conference on **Assembly Bill 298**.

The question was: Shall the conferees be confirmed?
Confirmed.

CALENDAR OF OCTOBER 27

Senate Bill 429

Relating to regulating the licensing practices for motion pictures and imposing a penalty.

Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Senator George moved rejection of senate amendment 1 to senate substitute amendment 1.

The question was: Rejection of senate amendment 1 to senate substitute amendment 1?

Senator Offner moved that **Senate Bill 429** be indefinitely postponed.

The question was: Shall the bill be indefinitely postponed?

Senator Kleczka in the chair.

2:08 P.M.

The question was: Shall the bill be indefinitely postponed?

The ayes and noes were demanded and the vote was: ayes, 6; noes, 26; absent or not voting, 1; as follows:

Ayes -- Senators Davis, Engeleiter, Hanaway, Norquist, Offner and Opitz -- 6.

Noes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Ellis, Feingold, George, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 18.

Absent or not voting -- Senator Otte-- 1.

So the motion did not prevail.

The question was: Rejection of senate amendment 1 to senate substitute amendment 1?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 11; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Feingold, George, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Roshell, Strohl, Theno, Thompson and Van Sistine -- 22.

Noes -- Senators Chilsen, Czarnezki, Davis, Ellis, Engeleiter, Hanaway, Norquist, Offner, Opitz, Otte and Risser -- 11.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Senator George moved rejection of senate amendment 2 to senate substitute amendment 1.

The question was: Rejection of senate amendment 2 to senate substitute amendment 1?

The motion prevailed.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Senator George moved rejection of senate amendment 3 to senate substitute amendment 1.

The question was: Rejection of senate amendment 3 to senate substitute amendment 1?

The motion prevailed.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Hanaway.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Senator George moved rejection of senate amendment 4 to senate substitute amendment 1.

The question was: Rejection of senate amendment 4 to senate substitute amendment 1?

The motion prevailed.

The question was: Adoption of senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 429

Read a third time.

The ayes and noes were required and the vote was: ayes, 26; noes, 7; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Ellis, Feingold, George, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Otte, Roshell, Strohl, Theno, Thompson and Van Sistine -- 26.

Noes -- Senators Davis, Engeleiter, Hanaway, Norquist, Offner, Opitz and Risser -- 7.

Absent or not voting -- None.

So the bill passed.

MOTIONS

By request of Senator Feingold, with unanimous consent, Senate Clearinghouse Rule 83-136 was withdrawn from committee on Health, Education, Corrections and Human Services and referred to committee on Aging, Financial Institutions and State Institutions.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Cullen, with unanimous consent, the senate recessed until 6:36 P.M.

4:08 P.M.

RECESS

6:36 P.M.

The senate reconvened.

By request of Senator Cullen, with unanimous consent, the Senate returned to the second and eighth orders of business.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 15

Commending Dennis Hall for his public service.

By Senators Offner, Kleczka, Maurer and Roshell.

Read and referred to committee on Senate Organization.

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Senate Bill 423

Senate Bill 459

Amended and concurred in as amended:

Senate Bill 349, assembly amendment 1

Senate Bill 410, assembly amendment 1

AMENDMENTS OFFERED

Senate substitute amendment 1 to **Senate Bill 408** by Senator McCallum.

By request of Senator Maurer, with unanimous consent, the senate adjourned in honor of the 51st birthday of Senator Roshell.

By request of Senator Norquist, with unanimous consent, the senate adjourned in honor of his 34th birthday.

By request of Senator Cullen, with unanimous consent, the senate adjourned in honor of former Senator "Cy" Bidwell's 84th birthday.

By request of Senator Engeleiter, with unanimous consent, the senate adjourned in honor of the Minority Leader, Senator Harsdorf's, 33rd birthday.

Upon motion of Senator Cullen the senate adjourned until 9:30 A.M. Friday, October 28.

6:45 P.M.